

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MALLARD IP LLC.,

Plaintiff,

v.

SUPER MICRO COMPUTER, INC.,

Defendant.

CIVIL ACTION

Case No.6:21-cv-01011

DECLARATION OF DON WALLACE CLEGG

I, Don Wallace Clegg, hereby declare and state as follows:

1. My name is Don Wallace Clegg. I am of legal age and under no legal disability
2. I am currently the Senior Vice President of Worldwide Sales in charge of the worldwide sales organization at Super Micro Computer, Inc. (“Supermico”). In this role, I am familiar with Supermicro’s business and operations, including its offices, leases, and locations of remote employees. I have been employed by Supermicro since April 2006.
3. I submit this declaration in support of Supermicro’s Motion to Dismiss or Transfer. I have personal knowledge of the matters stated herein, and if called upon as a witness, I could and would testify to them competently.
4. Supermicro is a Delaware corporation, with its headquarters at 980 Rock Avenue, San Jose, CA 95131. Since 2001, Supermicro’s principal place of business has been at 980 Rock Avenue, San Jose, CA 95131. Since its founding in 1993, Supermicro has been based in San Jose.

5. Supermicro is a publicly traded corporation with 2,322 employees in the United States as of December 17, 2021.

6. The vast majority of Supermicro's employees, 2,215 of 2,322 employees, work in Supermicro's headquarters in San Jose, California. Supermicro's other U.S.-based employees work from offices in Jersey City, New Jersey, New York, New York, or remotely.

7. Supermicro does not have a place of business in the state of Texas.

8. Supermicro does not currently maintain and has never maintained any real property in the Western District of Texas.

9. Supermicro has not and does not employ any employees at a Supermicro place of business in the Western District of Texas.

10. Supermicro currently has a single full-time employee who works from his home in Georgetown, Texas. He is responsible for sales, primarily in the Austin, Texas region as well as a few specific accounts in other areas of the USA. He is considered an employee of Supermicro's San Jose headquarters. Supermicro does not reimburse this employee's housing costs.

11. I understand Supermicro's SuperServer E300-9D has been accused of infringement by the Plaintiff in this case.

12. The SuperServer E300-9D is a server that was designed and developed by Supermicro employees at Supermicro's headquarters in San Jose, California.

13. The vast majority of Supermicro documents relating to the design and development of the SuperServer E300-9D are maintained in San Jose, California.

14. Supermicro's financial records related to sales of the SuperServer E300-9D and accounting department are located in San Jose, California.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Don Wallace Clegg